

ARIZONA HOUSE OF REPRESENTATIVES
Fifty-second Legislature – Second Regular Session

MINUTES RECEIVED
CHIEF CLERK'S OFFICE

2-16-16

COMMITTEE ON ENERGY, ENVIRONMENT AND NATURAL RESOURCES

Report of Regular Meeting
Monday, February 15, 2016
House Hearing Room 1 -- 2:00 p.m.

Convened 2:27 p.m.

Recessed

Reconvened

Adjourned 3:58 p.m.

Members Present

Mrs. Carter
Mr. Clark
Mr. Finchem
Mr. Kopec
Mr. Leach
Mr. Saldate
Mr. Bowers, Vice-Chairman
Mr. Pratt, Chairman

Members Absent

Mrs. Barton

Agenda

Original Agenda – Attachment 1

Request to Speak

Report – Attachment 2


Presentations

<u>Name</u>	<u>Organization</u>
Ted Geisler	Arizona Public Service

Attachments (Handouts)

Committee Action

<u>Bill</u>	<u>Action</u>	<u>Vote</u>	<u>Attachments (Summaries, Amendments, Attendance)</u>
HB2075	DPA S/E	8-0-0-1	3, 4, 5
HB2474	DPA	8-0-0-1	6, 7, 8
HB2658	DP	8-0-0-1	9, 10, 11
	Committee Attendance		12


Angela Diaz, Chairman Assistant
February 16, 2016

(Original attachments on file in the Office of the Chief Clerk; video archives available at <http://www.azleg.gov>)

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Angela Diaz, Chairman Assistant
February 16, 2016

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REVISED - 02/11/16

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ARIZONA HOUSE OF REPRESENTATIVES
Fifty-second Legislature - Second Regular Session

Convened: 2:27pm
Adjourned: 3:58pm

REGULAR MEETING AGENDA

COMMITTEE ON ENERGY, ENVIRONMENT AND NATURAL RESOURCES

DATE Monday, February 15, 2016

ROOM HHR 1

TIME 2:00 P.M.

Members:

Mrs. Barton
Mrs. Carter
Mr. Clark

Mr. Finchem
Mr. Kopec
Mr. Leach

Mr. Saldate
Mr. Bowers, Vice-Chairman
Mr. Pratt, Chairman

Presentation by Ted Geisler, Director of Transmission Operations, Arizona Public Service

Bills

Short Title

Strike Everything Title

ADDENDUM #1 - 02/11/16

*HB2075

DPA S/E state trust land; technical correction
(Leach)

S/E: desalinization; study committee

8-0-0-1

HB2474

DPA county floodplain regulations; mobile homes
(Ackerley, Coleman)

8-0-0-1

EENR, RULES

HB2658

DP natural resource conservation division;
appropriation.

8-0-0-1

(Pratt)

EENR, APPROP, RULES

* If first read and assigned

ORDER OF BILLS TO BE SET BY THE CHAIRMAN

AD

2/10/16

2/11/16

People with disabilities may request reasonable accommodations such as interpreters, alternative formats, or assistance with physical accessibility. If you require accommodations, please contact the Chief Clerk's Office at (602) 926-3032, TDD (602) 926-3241.

Information Registered on the Request to Speak System

*House Energy, Environment and Natural Resources
(2/15/2016)*

HB2474, county floodplain regulations; mobile homes

Neutral:

Kristin Cipolla, Leg. Liaison, County Supervisors Association Of Arizona

HB2658, natural resource conservation division; appropriation.

Testified in support:

Steven Barker, representing self; William Dunn, representing self

Support:

Patrick Bray , Arizona Cattlemen's Association

Oppose:

Alisa McMahon, representing self; Michael Fiflis, representing self



HOUSE OF REPRESENTATIVES

HB 2075

state trust land; technical correction

Prime Sponsor: Representative Leach, LD 11

X Committee on Energy, Environment and Natural Resources

Caucus and COW

House Engrossed

OVERVIEW

HB 2075 makes a technical change to statute.

Summary of the Proposed Strike-Everything Amendment to HB 2075

The proposed strike-everything amendment to HB 2075 establishes a desalinization study committee, outlines membership and the duties of the Committee.

PROVISIONS

1. Establishes the Committee consisting of the following members:
 - a. Two members of different political parties from the House of Representatives, appointed by the Speaker;
 - b. Two members of different political parties from the Senate, appointed by the President;
 - c. One member appointed by the Speaker who has experience with the Yuma desalting plant;
 - d. One member appointed by the President who has experience with other desalinization projects; and
 - e. Three members, one faculty member each from Northern Arizona University, University of Arizona and Arizona State University, with experience in hydrology, desalinization or another relevant field.
2. Stipulates that the Speaker and the President are to appoint two co-chairs of different political parties.
3. Requires the Committee to:
 - a. Meet at the call of the co-chairs;
 - b. Collect information on the history and development of desalination in this state;
 - c. Review data collected during the Yuma desalting plant demonstration run; and
 - d. Study opportunities for other desalinization projects.
4. Allows the Committee to:
 - a. Request information from any county or state agency or political subdivision of this state; and
 - b. Hold hearings, conduct fact-finding tours and take testimony from witnesses who may assist the Committee in fulfilling its responsibilities.
5. Requires state agencies to provide services, equipment, documents, personnel and facilities to the Committee to the extent possible without cost to the Committee.
6. Requires the Legislature to provide staff support services to the Committee.

HB 2075

7. Stipulates that the Committee will meet at the state Capitol or at other locations as the co-chairs deem necessary and all meetings are open to the public.
8. Allows the members of the Committee to be reimbursed for travel expenses.
9. Requires the Committee to submit a report on its findings to the Governor, the Legislature and the Secretary of State prior to January 1, 2017.
10. Sunsets the Committee on September 30, 2017.

PROPOSED

HOUSE OF REPRESENTATIVES AMENDMENTS TO H.B. 2075

(Reference to printed bill)

1 Strike everything after the enacting clause and insert:

2 "Section 1. Desalinization study committee; membership; powers
3 and duties; report; delayed repeal

4 A. The desalinization study committee is established consisting of the
5 following members:

6 1. Two members of the house of representatives who are appointed by
7 the speaker of the house of representatives and who are members of different
8 political parties. The speaker of the house of representatives shall
9 designate one of these members to serve as cochairperson of the committee.

10 2. Two members of the senate who are appointed by the president of the
11 senate and who are members of different political parties. The president of
12 the senate shall designate one of these members to serve as cochairperson of
13 the committee.

14 3. One member who has experience with the Yuma desalting plant and who
15 is appointed by the speaker of the house of representatives.

16 4. One member who has experience with other desalinization projects
17 and who is appointed by the president of the senate.

18 5. Three faculty members, one each from Arizona state university, the
19 university of Arizona and northern Arizona university, who have expertise in
20 hydrology, desalinization or another relevant field and who are appointed by
21 the president of each member's respective university.

22 B. The cochairpersons shall be members of different political
23 parties. The committee shall meet at the call of the cochairpersons.

24 C. The committee shall:

25 1. Collect information on the history and development of desalination
26 in this state.

27 2. Review data collected during the Yuma desalting plant demonstration
28 run.

1 3. Study opportunities for other desalinization projects in this
2 state.

3 D. The committee may:

4 1. Request information, data and reports from any county or state
5 agency or political subdivision of this state. If possible, information
6 shall be provided electronically.

7 2. Hold hearings, conduct fact-finding tours and take testimony from
8 witnesses who may assist the committee in fulfilling its responsibilities.

9 E. On request of the committee, an agency of this state must provide
10 to the committee its services, equipment, documents, personnel and facilities
11 to the extent possible without cost to the committee.

12 F. The legislature shall provide staff and support services to the
13 committee.

14 G. The committee shall meet at the state capitol or at other locations
15 as the cochairpersons deem necessary or convenient, and all meetings shall be
16 open to the public.

17 H. The members of the committee are not eligible to receive
18 compensation but are eligible for reimbursement of expenses pursuant to title
19 38, chapter 4, article 2, Arizona Revised Statutes.

20 I. On or before December 31, 2016, the committee shall submit a report
21 regarding its findings and recommendations to the governor, the speaker of
22 the house of representatives and the president of the senate and provide a
23 copy of this report to the secretary of state.

24 J. This section is repealed from and after September 30, 2017."

25 Amend title to conform

VINCE LEACH

2075 v12
02/11/2016
2:26 PM
C: LD

ARIZONA HOUSE OF REPRESENTATIVES
Fifty-second Legislature - Second Regular Session

ROLL CALL VOTE

COMMITTEE ON ENERGY, ENVIRONMENT AND NATURAL RESOURCES BILL NO. HB 2075

DATE February 15, 2016 MOTION: DPA ~~7/e~~

	PASS	AYE	NAY	PRESENT	ABSENT
Mrs. Barton					✓
Mrs. Carter		✓			
Mr. Clark		✓			
Mr. Finchem		✓			
Mr. Kopec		✓			
Mr. Leach		✓			
Mr. Saldate		✓			
Mr. Bowers, Vice-Chairman		✓			
Mr. Pratt, Chairman		✓			
		8	0	0	1

APPROVED:


FRANKLIN M. PRATT, Chairman
RUSSELL BOWERS, Vice-Chairman


COMMITTEE SECRETARY

ATTACHMENT 5



HOUSE OF REPRESENTATIVES

HB 2474

county floodplain regulations; mobile homes
Prime Sponsor: Representative Ackerley, LD 2

X Committee on Energy, Environment and Natural Resources

Caucus and COW

House Engrossed

OVERVIEW

HB 2474 allows mobile homes located in a mobile home park or subdivision in a floodplain to be replaced by another mobile home under certain conditions.

PROVISIONS

1. Allows mobile homes in a mobile home park or subdivision in a floodplain to be replaced by another mobile home if:
 - a. No mobile home in the park or subdivision sustained damage to more than 50% of its value before the flood;
 - b. The mobile home to be replaced is located in a municipality with a population 5,000 or less in a county with a population of 50,000 or less residents;
 - c. The replacement mobile home is elevated to the base flood elevation; and
 - d. The governing body of a municipality by majority vote does not exempt the municipality from these requirements.
2. Provides an exception to the elevation requirement if the replacement mobile home chassis is:
 - a. Supported by reinforced piers; or
 - b. Other foundation elements of equivalent strength that are at least three feet in height above grade and securely anchored to an anchored foundation to resist flotation, collapse and lateral movement.
3. Maintains current statutory requirements for replacement mobile homes not located in a mobile home park or subdivision.
4. Makes technical and conforming changes.

CURRENT LAW

A.R.S. § 48-3609 allows for replacement mobile homes located in a floodplain so long as the mobile home being replaced was not damaged to more than 50% of its value before the flood and the replacement is elevated to the regulatory flood elevation.

A.R.S. § 48-3601 defines *regulatory flood elevation* as the elevation one foot above the base flood elevation (BFE).

Under FEMA rule, mobile homes placed in flood hazard areas must be elevated so that the lowest floor is at or above the BFE and securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement (44 CFR 60.3(c)(6)). The BFE is the elevation floodwater is anticipated to rise during a 100-year flood.

PROPOSED

HOUSE OF REPRESENTATIVES AMENDMENTS TO H.B. 2474

(Reference to printed bill)

- 1 Page 1, line 38, after "PERSONS" insert "THAT HAS ASSUMED THE POWERS OF FLOODPLAIN
- 2 MANAGEMENT REGULATION PURSUANT TO SECTION 48-3610 AND IS"
- 3 Page 2, line 3, after "TOWN" strike remainder of line
- 4 Strike lines 4 and 5 insert "THAT MEETS THE REQUIREMENTS OF THIS SUBDIVISION HAS
- 5 BY MAJORITY VOTE ADOPTED AN ORDINANCE THAT CONTAINS THE STANDARDS PRESCRIBED
- 6 IN SUBDIVISION (a), ITEM (iii) OF THIS PARAGRAPH."
- 7 Amend title to conform

FRANKLIN M. PRATT

2474PRATT2
02/12/2016
02:45 PM
H: ts/ajh

Adopted <u>✓</u>	# of Verbals <u> </u>
Failed <u> </u>	Withdrawn <u> </u>
Not Offered <u> </u>	Analysts Initials <u>TS</u>

ARIZONA HOUSE OF REPRESENTATIVES
Fifty-second Legislature - Second Regular Session

ROLL CALL VOTE

COMMITTEE ON ENERGY, ENVIRONMENT AND NATURAL RESOURCES BILL NO. HB 2474

DATE February 15, 2016 MOTION: DPA

	PASS	AYE	NAY	PRESENT	ABSENT
Mrs. Barton					✓
Mrs. Carter		✓			
Mr. Clark		✓			
Mr. Finchem		✓			
Mr. Kopec		✓			
Mr. Leach		✓			
Mr. Saldate		✓			
Mr. Bowers, Vice-Chairman		✓			
Mr. Pratt, Chairman		✓			
		8	0	0	1

APPROVED:


FRANKLIN M. PRATT, Chairman
RUSSELL BOWERS, Vice-Chairman


COMMITTEE SECRETARY

ATTACHMENT 8



HOUSE OF REPRESENTATIVES

HB 2658

natural resource conservation division; appropriation.

Prime Sponsor: Representative Pratt, LD 8

X Committee on Energy, Environment and Natural Resources

Committee on Appropriations

Caucus and COW

House Engrossed

OVERVIEW

HB 2658 appropriates \$150,000 to the State Land Department in FY17 for the Division of Natural Resource Conservation and stipulates that the State Land Commissioner must annually submit a separate appropriations request not to exceed \$250,000 for the Division.

PROVISIONS

1. Appropriates \$150,000 from the state General Fund to the State Land Department in FY17 (Department) for the Division of Natural Resource Conservation (Division).
2. Requires the Commissioner to include in the Department budget request a separate appropriations request, not to exceed \$250,000, for carrying out the duties of the Division, including funding necessary for the Division Director, other staff and any other costs of the Division.
3. Designates the head of the Division as a Director, rather than administrative officer, that reports directly to the Commissioner.
4. Makes technical and conforming changes.

CURRENT LAW

A.R.S. § 37-1014 requires the Commissioner to request no more than \$40,000 for each Natural Resource Conservation District (NRCD) and no more than \$60,000 for each education center in the annual Department budget request for the next fiscal year. NRCDs and education centers must submit a form to the Commissioner by June 20 to receive funding for the next fiscal year, which must include the number of acres of land within the NRCD, the extent of conservation or education center programs for which funding is being requested and any audits the Commissioner has requested. The Commissioner then determines whether or not funding for these districts and centers will be included in the Department's budget.

ADDITIONAL INFORMATION

The NRCD program was created under A.R.S. Title 37, Chapter 6 to restore, conserve, and protect the state's natural resources, including land and water, wildlife and public lands to promote the health, safety and welfare of the public. There are currently 32 NRCDs and 24 education centers that the Department oversees and funds.

ARIZONA HOUSE OF REPRESENTATIVES
Fifty-second Legislature - Second Regular Session

ROLL CALL VOTE

COMMITTEE ON ENERGY, ENVIRONMENT AND NATURAL RESOURCES BILL NO. HB 2658

DATE February 15, 2016 MOTION: DP

	PASS	AYE	NAY	PRESENT	ABSENT
Mrs. Barton					✓
Mrs. Carter		✓			
Mr. Clark		✓			
Mr. Finchem		✓			
Mr. Kopec		✓			
Mr. Leach		✓			
Mr. Saldate		✓			
Mr. Bowers, Vice-Chairman		✓			
Mr. Pratt, Chairman		✓			
		8	0	0	1

APPROVED:


FRANKLIN M. PRATT, Chairman
RUSSELL BOWERS, Vice-Chairman


COMMITTEE SECRETARY

ATTACHMENT 10

ARIZONA REVISED STATUTES

TITLE 37 – PUBLIC LANDS

CHAPTER 1: STATE AGENCIES AND OFFICERS

Article 1 State Land Department

Article 2 State Land Commissioner

CHAPTER 1.2 RESOURCE ANALYSIS DIVISION

Article 1 General provisions

37-177 Arizona Geographic information council

CHAPTER 2 ADMINISTRATION OF STATE AND OTHER PUBLIC LANDS

Article 1 Selection

Article 2 Investigation, Classification, and Appraisal

Article 2.1 Sale and Lease of State Lands

Article 3 Sale of State Lands

Article 4 Lease of State Lands

CHAPTER 2.1 FORESTS

Article 1 State Forester

Article 2 Community Protection Initiative

CHAPTER 3 ACTS OF CONGRESS RELATING TO STATE AND FEDERAL LANDS

Article 1 Carey Land Acts

Article 2 Taylor Grazing Act

Article 3 Federal Mineral, Oil and Gas Lease Act

CHAPTER 4 ACQUISITION OF PRIVATE AND REAL PROPERTY BY STATE OR POLITICAL SUBDIVISION

CHAPTER 6 NATURAL RESOURCE CONSERVATION DISTRICTS

Article 1 General Provisions

Article 2 Division of Natural Resource Conservation

37-1012 State Natural Resource Conservation Commissioner

37-1013 Powers and Duties of Commissioner

37-1014 State Financial Assistance; Application; Criteria

Article 3 Formation, Change in Boundaries and Dissolution

Article 4 Administration

37-1051 District Supervisors; terms of office; biennial election

37-1053 Powers and Duties of supervisors

37-1054 Powers of district

ARIZONA'S CONSERVATION DISTRICTS

Over 200 dedicated local conservation leaders in 32 State Authorized Conservation Districts

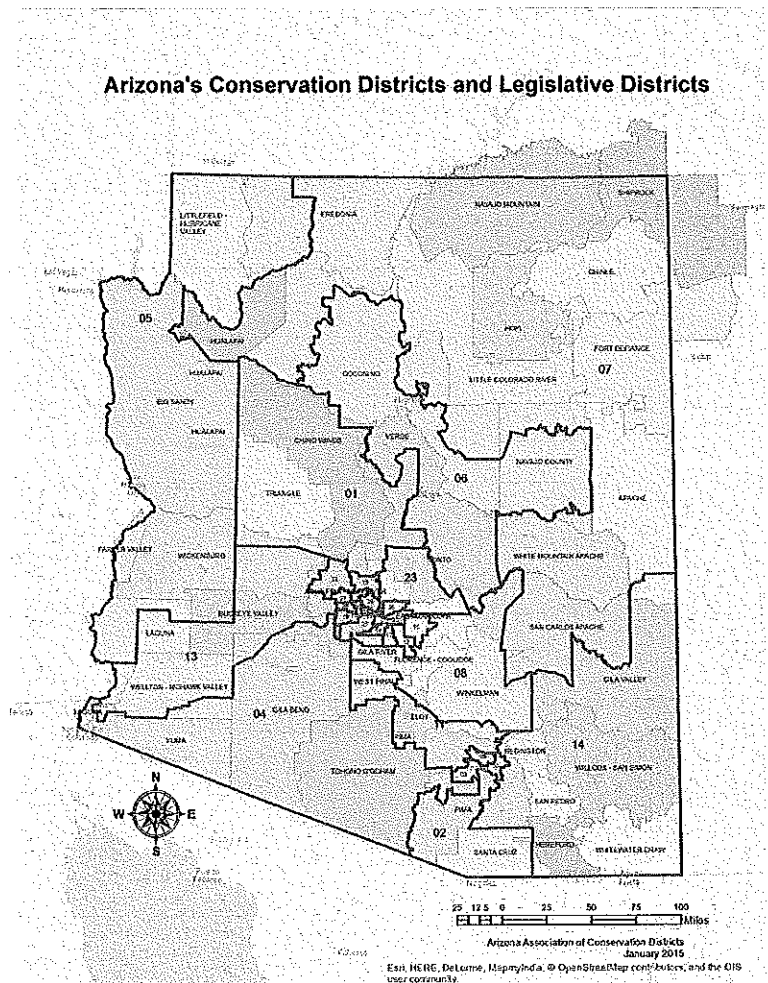
- Each Conservation District Board is made up of 3 elected and 2 appointed supervisors
- 24 Education Centers

Division of Natural Resource Conservation

ARS Title 37, Chapter 6, Article 2

*"For the purpose of administering this chapter there shall be a division of the state land department which shall be known as the **division of natural resource conservation** under the authority and direction of the **state natural resource conservation commissioner**."*

- Assists in securing the cooperation and assistance of the United States, its agencies, and agencies of the state in the work of the Districts as local units of State Government with special expertise in land, soil, water and natural resource management.
- Assist in developing, publishing comprehensive plans for the conservation of soil and water resources that specify in such detail as may be feasible the acts, procedures, performances and avoidances necessary or desirable for the effectuation of the plans.
- Assist in obtaining maps, data, and other information for long range plans and annual reports.
- Assist the Conservation Districts prioritize USDA Farm Bill funding through the State Technical Committee.
- Assist with contracts and other documents
- Assist in acquisition by purchase, exchange, lease or otherwise, any property, real or personal, or rights or interest in any property
- Assist in development of proposed budgets for submittal to the Governor's Office. (Up to \$40 thousand dollars for each Conservation District, and up to \$60,000 for each Education Center.)
- Disperse funds appropriated by the legislature to the Conservation Districts and Education Centers each quarter.
- Conduct audits as the Commissioner prescribes for legislated funds
- Assist Conservation Districts with elections on May 1 in even numbered years.
- Assist the Conservation Districts and the Commissioner make Supervisor Appointments
- Maintain the list of Cooperators eligible to vote in Supervisor elections.



ARIZONA STATE LEGISLATURE
Fifty-second Legislature - Second Regular Session

COMMITTEE ATTENDANCE RECORD

COMMITTEE ON ENERGY, ENVIRONMENT AND NATURAL RESOURCES

CHAIRMAN: Franklin M. Pratt VICE-CHAIRMAN: Russell Bowers

DATE	2/15 /16	/16	/16	/16	/16
CONVENED	2:27pm	m	m	m	m
RECESSED					
RECONVENED					
ADJOURNED	3:58pm				
MEMBERS					
Mrs. Barton	exc.				
Mrs. Carter	✓				
Mr. Clark	✓				
Mr. Finchem	✓				
Mr. Kopec	✓				
Mr. Leach	✓				
Mr. Saldate	✓				
Mr. Bowers, Vice-Chairman	✓				
Mr. Pratt, Chairman	✓				

✓ Present --- Absent exc Excused